

PROBATE CALENDAR NOTES

July 17, 2020

8:30 AM, Department 40

Placer County Superior Court

UPDATED July 15, 2020, 8:00 AM

All current local court COVID-19 information is at <http://www.placer.courts.ca.gov/general-covid-19.shtml>. In particular, please note:

Local Rule 10.28, "Remote Appearances—COVID-19 State of Emergency Temporary Rule," enacted April 6, 2020, requires remote telephone appearances for most court hearings. See Local Rule 10.28 for more details.

Local Rule 10.27, "eDelivery," requires electronic filing of documents by attorneys and represented parties.

These calendar notes are provided pursuant to Local Rule 80.1.4 for the probate calendar set for hearing **July 17, 2020, 8:30 AM, in Department 40**, Commissioner Glenn M. Holley, presiding. Pursuant to Local Rule 80.1.4, these calendar notes are **not** a tentative ruling on the merits of any matter before the court.

Updated notes may be posted at any time. Notes will generally be updated the court day prior to the hearing. Staff may respond to limited questions concerning calendar notes; however, court staff may not give legal advice to parties or attorneys. Messages may be left for the Office of Legal Research at (916) 408-6119.

1. S-PR-0008099 King, Jr., Robert Emet - Estate of:

Order to show cause re removal of personal representative

Appearance is required for hearing on order to show cause re removal of personal representative.

Motion to be relieved as counsel

Missing motion to be relieved as counsel (see mandatory form MC-51). Two declarations in support were filed June 30, but no motion was filed.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

2. S-PR-0008955 John S Coe Trust; In re the

Clarification is needed: account was approximately 9 months out of date when filed, without explanation.

Proposed revised bond appears to be insufficient under C.R.C. 7.207.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

3. S-PR-0009412 Robinson, Ina R.-In Re Estate of

Petition to appoint successor personal representative is recommended for approval as prayed.

4. S-PR-0009682 Howarth, William H; In re the estate of

It is recommended the petition for final distribution be denied without prejudice to filing an amended petition and account.

Conservatorship accounting is not appropriate in this decedent's estate case and cannot be approved. Conservator is required to obtain approval of any conservatorship account within the conservatorship action only. It is recommended the court take judicial notice of *Conservatorship of Howarth*, no. S-PR-0009558, wherein the court approved a conservatorship final account in October 2019 (covering an accounting period through July 2019) and ordered distribution to the personal representative. The improper account presented here not only overlaps with that approved account by several months (repeating dozens of account entries), it also shows continuing transactions in the conservatorship estate and retention of property at least through the end of January 2020, apparently in derogation of the court's October 2019 order. None of this is before the court in this decedent's estate action.

Neither the conservatorship account, which, as above, cannot be considered or approved, nor the decedent's estate account can be reconciled with the inventory and appraisal. The decedent's estate account must use the inventory and appraisal for beginning property on hand and for the carry value of each estate asset. All changes to the I&A-established carry value must be thoroughly disclosed in charge and credit

schedules and, as needed, explained in the report. Accordingly, the decedent's estate account also cannot be approved as prayed.

Note: the foregoing notes are not a tentative ruling by the court on the merits of the petition. Local Rule 80.1.4.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

5. S-PR-0009725 Dodd Trust; Dodd Irrev Trust; In re the

Appearance is required for continued hearing on second amended petition to determine trust property and for other relief.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

6. S-PR-0009864 Dodd Irrev Trust - In re the

Appearance is required for continued hearing on petition to ratify trustee actions.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

7. S-PR-0009919 Richards, Vicki Sue- In re the Estate of

Petition for final distribution is recommended for approval as prayed.

8. S-PR-0009933 Aymeric Living Trust - In re the

Petition to compel production of trust documents and for other relief

Appearance is required for continued hearing on petition to compel production of trust documents and for other relief.

Motion to enforce settlement agreement

Appearance is required for hearing on motion to enforce settlement agreement.

Note: contrary to the information provided in the notice of hearing, the court does not publish tentative rulings for motions heard on the probate calendar.

Missing response by any other party to the settlement agreement.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

9. S-PR-0009971 Mittel, Michael Dwight - In re the Estate of

Clarification is needed: ¶ 8 identifies only petitioner who appears to be a sibling of decedent (see ¶ 3g(2)(c)). However, ¶ 6f alleges there are no issue of deceased parents, including siblings (¶ 6b was not marked).

10. S-PR-0010005 Vierra, Timothy Edward - In re the Estate of

Petition for final distribution is recommended for approval as prayed.

11. S-PR-0010222 Delgado, Timothy Howard – In re the Estate of

Missing service of notice of hearing to custodial parent or guardian of Mason Harnetiaux, C.R.C. 7.51(d).

12. S-PR-0010302 Orme, Richard N – In re the Estate of

Missing declaration re trust terms or authenticated copy of beneficiary trust, Local Rule 80.2.1.

13. S-PR-0010303 Smith, Bradley David - In re the Estate of

Clarification is needed: ¶ 9 and Attachment 14 allege decedent was survived by a child and grandchildren, but ¶ 10c alleges decedent was survived by "no issue." Grandchildren are listed in Attachment 14 without explanation; unless they are issue of a predeceased child, it appears they should not be listed.

Missing required referee appraisal of all non-cash assets. Prob.C. § 13152(b). Proposed inventory and appraisal erroneously lists estate liabilities. Revised inventory and appraisal with referee appraisal is required.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

14. S-PR-0010304 Gulley, Tina L - In re the Estate of

Missing proof of publication of notice of hearing on petition to administer estate. Missing original will, Prob.C. § 8200(a).

Missing declaration re trust terms or authenticated copy of beneficiary trust,
Local Rule 80.2.1.

15. S-PR-0010314 Bradley, Walter Bryant Jr. ; In re the Estate of

Missing required allegations at ¶ 5a(7)-(9) (issue of predeceased child(ren)).
Missing required allegations at ¶ 5b (step- or foster child(ren)).

Clarification is needed: bond of \$175,000 is requested; ¶ 3d alleges there is only personal property in the estate; the special administration petition alleges is real property in the estate; IAEA powers are not requested, excusing a bond requirement for real property.

16. S-PR-0010316 Waltz, Margaret Anne; In re the Estate of

Petition to administer estate is recommended for approval as prayed.

17. S-PR-0010319 Carlson, Paul Robert - In Re the Estate of

Petition to administer estate is recommended for approval as prayed.

18. S-PR-0010320 Williams, Kathryn Leigh - In Re the Estate of

Petition to administer estate is recommended for approval as prayed.

19. S-PR-0010321 Dodd Trust; Dodd Irrev Trust; In re the

Appearance is required for hearing on petition to determine trust property and for other relief.

Missing 30 days' service of notice of hearing, Prob.C. § 851. Proof of service shows only 29 days' service. See Prob.C. § 12.

20. S-PR-0010333 Dominguez, Anthony Victor – In re the estate

Missing required allegations at ¶ 9a (issue of predeceased child(ren)).

Missing notice of hearing. Missing service of notice of hearing.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

21. S-PR-0010349 Bureau, Gary Dennis - In Re the Estate of

Petitioner requests the petition to administer estate be continued to August 21, 2020, 8:30 a.m., in Department 40. It is recommended the petition be continued as prayed.